

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: BROOK-LEVI3

| | | |
|-------------------------------|---|---------------------------|
| In re Application of: |) | Conf. No.: 4174 |
| Edward BROOK-LEVI et al. |) | |
| |) | Art Unit: 1797 |
| |) | |
| IA No. PCT/IL05/00172 |) | |
| |) | |
| I.A. Filed: February 10, 2005 |) | Examiner: David C. Mellon |
| |) | |
| Appln. No. 10/589,021 |) | Washington, D.C. |
| |) | |
| For: SYSTEM AND METHOD FOR |) | February 26, 2009 |
| TREATMENT OF INDUSTRIAL... |) | |

REPLY TO RESTRICTION AND ELECTION REQUIREMENTS

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Amendment
Randolph Building, 401 Dulany Street
Alexandria, VA 22314

Sir:

Applicants are in receipt of the Office Action
mailed January 29, 2009, to which applicants reply below.

First, however, applicants request the PTO to
acknowledge receipt of applicants' papers filed under §119.

A first election has been required between what the
PTO deems as being two separate inventions based on purported
lack of unity of invention. As applicants must make an
election even though the requirement is traversed, applicants
hereby respectfully and provisionally elect Group I, claims 1-

30, directed to the method, for prosecution on the merits at this time, with traverse and without prejudice.

Applicants believe and respectfully submit that the PTO has interpreted the single general inventive concept under PCT Rules 13.1 and 13.2 too narrowly, i.e. Groups I and II share common features which are not shown or made obvious by Horvath 4,049,545, and thus there is unity of invention. Applicants accordingly respectfully request that the requirement be withdrawn.

The PTO has also required two separate elections of species. Again, as applicants must make the elections even though the requirements are traversed, applicants hereby respectfully and provisionally elect Species A-2, introducing the ferromagnetic powder at the same time as the basic coagulant, and Species B-1, adding a second oxidizer before flocculation, with traverse and without prejudice.

Generic claims are clearly present. Such generic claims inherently link the species so as to form a single general inventive concept under PCT Rules 13.1 and 13.2. Accordingly, the election of species requirements should be withdrawn, and such as respectfully requested.

The claims which read on the elected species, not including the apparatus claims of presently non-elected Group II, but including all generic claims of Group I, are claims 1-


Appln. No. 10/589,021
Reply dated February 26, 2009
Reply to Office Action of January 29, 2009

7 and 10-30 for elected Species A-2, and claims 1-17 and 19-30
for elected Species B-1.

Applicants respectfully await the results of an
examination on the merits.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicants

By 

Sheridan Neimark
Registration No. 20,520

SN:tg

Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
G:\BN\C\cohn\Brook-Levi3\Pto\2009-02-26 RESTRICT RESP.doc